

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ASHLEY MENDEZ,

Docket No.: 07 CV 8574

Plaintiff,

-against-

PETER NAGY,

Defendant.

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COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, by her attorneys, STEPHEN R. KRAWITZ, LLC, as and for her Verified

Complaint, respectfully alleges, upon information and belief:

JURISDICTION

1. The plaintiff, ASHLEY MENDEZ, at all times herein mentioned was and still is a resident of the County of Queens and the State of New York.
2. The defendant, PETER NAGY, at all times herein mentioned was and still is a resident of the State of Michigan.
3. There is complete diversity of citizenship between the plaintiff and the defendant.
4. This action is brought pursuant to 28 U.S.C. § 1332 (1), therefore jurisdiction and venue are proper.
5. The amount in controversy exceeds \$75,000 exclusive of interest and costs.

AS AND FOR A FIRST CAUSE OF ACTION

6. On or about May 10, 2007, plaintiff ASHLEY MENDEZ was the operator of a certain automobile, bearing New York State license plate number DX8-7241.
7. On or about May 10, 2007, defendant PETER NAGY was the registered owner of a certain automobile, bearing Michigan license plate number 5FQN0Z.
8. On or about May 10, 2007, defendant PETER NAGY was the titled owner of a certain automobile, bearing Michigan license plate number 5FQN0Z.
9. On or about May 10, 2007, defendant PETER NAGY maintained a certain automobile, bearing Michigan license plate number 5FQN0Z.
10. On or about May 10, 2007, defendant PETER NAGY controlled a certain

automobile, bearing Michigan license plate number 5FQN0Z.

11. On or about May 10, 2007, defendant PETER NAGY was the operator of a certain automobile, bearing Michigan license plate number 5FQN0Z.

12. On or about May 10, 2007, the vehicle operated by the defendant PETER NAGY came in contact with the vehicle operated by the plaintiff ASHLEY MENDEZ, on 11th Street at intersection with 35th Avenue, Queens, New York.

13. Solely as a result of the defendant's negligence, carelessness and recklessness the plaintiff was caused to suffer severe and serious personal injuries to mind and body, and further, that the plaintiff was subjected to great physical pain and mental anguish.

14. As a result of the foregoing, the plaintiff sustained serious personal injuries as defined in Section 5102(d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic loss as defined in Section 5102(a) of the Insurance Law of the State of New York.

15. Due to defendants' negligence, plaintiff ASHLEY R. MENDEZ is entitled to damages in a sum which exceeds the jurisdictional limit of this Court.

WHEREFORE, the plaintiffs demand judgment awarding damages, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: New York, NY
September 19, 2007

STEPHEN R. KRAWITZ, LLC
By: Stephen R. Krawitz, Esq. (8770SRK)
Attorneys for Plaintiffs
271 Madison Avenue, Suite 200
New York, NY 1001
212-682-0707

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STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

STEPHEN R. KRAWITZ, being duly sworn deposes and says:

I am a member of the law firm of STEPHEN R. KRAWITZ, LLC, the attorney for the plaintiff in the above captioned matter.

I have read the forgoing Complaint and know the contents thereof.

I certify that same is true to my knowledge except as to the matters herein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

The grounds of affiant's belief as to all matters not stated upon affiant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affiant's possession, and other pertinent data relating thereto.

Dated: New York, NY
 September 19, 2007

STEPHEN R. KRAWITZ, ESQ.

Sworn to before me this 19th day
of September, 2007

Notary Public